

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DUSTIN D. DAVIS,

Petitioner,

v.

3:06-cv-338

HOWARD CARLTON, Warden,

Respondent.

MEMORANDUM AND ORDER

This is a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is confined at the Northeast Correctional Complex and he has filed an application to proceed *in forma pauperis* in this matter. The application indicates that petitioner has \$73.93 on account at that facility and thus has sufficient funds to pay the required \$5.00 filing fee, although he appears unable to afford any subsequent fees or costs of litigation.

Accordingly, petitioner's application to proceed *in forma pauperis* is **DENIED**. The Clerk is DIRECTED to hold the petition for thirty (30) days pending receipt of the \$5.00 filing fee, and upon receipt of the filing fee to file this action as of the date received. Upon payment of the filing fee, petitioner is authorized to prosecute his petition without

prepayment of further fees or costs. Petitioner's failure to pay the filing fee within the time allowed will result in the automatic dismissal of this action without further notice by the Clerk of Court.

E N T E R:

s/ Thomas W. Phillips
United States District Judge